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OFFICIAL GOVERNMENT OF GOA GAZETTE



EXTRAORDINARY

GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

Notification

8/2/2009-LA

The Land Acquisition (Goa Amendment) Ordinance, 2009 (Ordinance No. 2 of 2009), which has been promulgated by the Governor of Goa on 28-2-2009, is hereby published for general information of the public.

Sharad G. Marathe, Joint Secretary (Law).

Porvorim, 2nd March, 2009.

The Land Acquisition (Goa Amendment) Ordinance, 2009

(Ordinance No. 2 of 2009)

*Promulgated by the Governor of Goa in the Sixtieth
Year of the Republic of India.*

An Ordinance further to amend the Land Acquisition Act, 1894 (Central Act 1 of 1894), as in force in the State of Goa.

Whereas the Legislative Assembly of the State of Goa is not in Session and the Governor of Goa is satisfied that the circumstances exist which render it necessary for him to take immediate action.

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Goa is pleased to promulgate the following Ordinance, namely:—

1. *Short title and commencement.*— (1) This Ordinance may be called the Land Acquisition (Goa Amendment) Ordinance, 2009.

(2) It shall be deemed to have come into force with effect from 15-10-1964, unless any other specific date is indicated in the body of this Ordinance.

2. *Amendment of section 41.*— In section 41 of the Land Acquisition Act, 1894 (Central Act 1 of 1894), as in force in the State of Goa, after clause (5), the following clauses, shall be inserted, namely.—

“(6) Notwithstanding anything contained in the judgment, decree or an order of any Court, Tribunal or any other authority, any development done or construction undertaken in pursuance of the agreement entered under this section between the Government and the Company on the basis of the statutory approvals like permissions granted by the Planning and Development Authority, Eco-Development Council, Goa Coastal Zone Management Authority, Municipal Council, Panchayat, including renewals and deviations thereof approved and regularized, and all permissions obtained by the company and all the buildings constructed by the Company and all the proceedings taken by the competent authorities to issue the license or permission for undertaking

construction, shall be deemed to have been validly done and have always been undertaken in accordance with the said agreement.

(7) Notwithstanding anything contained in the judgment, decree, or order of any Court, Tribunal or any other Authority the appropriate Government shall be at liberty to modify the agreement executed under this section between the Government and the Company on mutually agreed terms in furtherance of the purpose for which the land was acquired, by publication of the modified agreement in the Official Gazette, and any such modifications made in the agreement, shall come into force from the date on which the original agreement with the Company was executed under this section and any action taken or things done under the modified agreement, shall for all purposes be deemed and to have always been done or taken in accordance with the original agreement".

(8) Notwithstanding anything contained in any judgment, decree or order of any Court, Tribunal or any other authority, if in any agreement entered into between the Government and the Company

there be any clause prohibiting the Company to construct any buildings or structures in the acquired land, such clause shall stand deleted with retrospective effect from 15-10-1964.

(9) No suit or other proceeding shall be instituted, maintained or continued in any Court or before any Tribunal or other authority for cancellation of such permission or for demolition of buildings which were constructed after obtaining the permissions from the Statutory Authorities and have been validated under this section, or for questioning the validity of any action taken or things done or permission granted in pursuance of the original agreement as modified and no court shall enforce or recognized any decrees, judgment or orders declaring and such action taken or things done under the original agreement as modified, as invalid or unlawful".

Place: Raj Bhavan,
Dra Paula.

Dr. Shivinder Singh Sidhu,
Governor of Goa.

Date: 28 February, 2009.